IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10122 of 2004

Between:

1 Ch. S. Ramulu (E.No.301836) S/o. Gopaiah
Nizamabad District , Kamareddy.
2 APSRTC Staff & Workers Union , Nizambad rep. by its General Secretry, T.L. Swamy.

..... PETITIONER(S)

AND

1. Government of A.P., Labour, Employment Training & Factories (Lab-I) Dept., Secretariate Bldgs.,
Hyd rep. by its Principle Secretary.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, especially one in the nature of writ of Mandamus;- i) declaring the action of the respondent in rejecting the dispute of stoppage of increments cummulatively pertains to the petitioner No.1 for referring the same to the concerned Labour Court, as illegal & arbitrary; ii) consequently , direct the respondent to refer the dispute of petitioner No.1 pertains to stoppage of Increments in terms of failure report No.B/1112/02 dt. 14.7.2003 , issued by the Asst. Commissioner of Labour, to the appropriate Labour Court.

Counsel for the Petitioners : MR.K.VASUDEVA REDDY, Advocate

Counsel for the Respondent : GP FOR LABOUR

The Court, at the admission stage, made the following :

HONOURABLE SRI JUSTICE K.C.BHANU

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W.P.No.10122 of 2004

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ORAL ORDER:

In respect of a dispute pertaining to stoppage of increments with cumulative effect in terms of a failure report No.B/1112/02, dated 14.7.2003 a reference was sought to be preferred to the Industrial Tribunal by the 1st petitioner, but the respondent rejected the same on the ground of delay. Questioning the same, this writ petition is filed.

The contention of the learned counsel for the petitioners is that a dispute pertaining to the year 1983 was sought for reference to the Labour Court for adjudication and it was accepted by the Government. Therefore, it is a clear exercise of arbitrariness by the respondent in respect of two claims. Therefore, he prays to set aside the impugned order.

The learned Government Pleader for the respondent contended that the Government refused to refer the dispute on the ground that the claim of the petitioners is a belated one and therefore, the Government rightly rejected the same. The Government rejected the petitioners' claim for adjudication as it was raised after a lapse of 12 years. The petitioners also filed a reference order made in G.O.Rt.No.2212, dated 15.11.2003 wherein a dispute relating to the year 1983 was referred to the Labour court for adjudication. So also, some other orders have been filed with regard to the disputes relating to the employer and employee in the year 1991, 1995, etc. Having referred the dispute of the year 1983 to the Labour Court, R1 ought to have accepted the case of the petitioners in referring the matter to the

Industrial Tribunal. Therefore, the orders are clear that R1 acted arbitrarily and without assigning any reasons the impugned order is passed.

For the foregoing reasons, the impugned order is set aside with a consequential direction to the respondent to consider the case of the 1st petitioner to refer the dispute pertaining to stoppage of increments in terms of failure report No.B/1112/02, dated 14.7.2003, to the Labour Court.

Accordingly, the writ petition is allowed at the stage of admission. In the circumstances of the case, there shall be no order as to costs.

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(K.C.BHANU,J.)

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the Sixteenth day of July, Two Thousand and Four.

16th July, 2004

bcj

To

1. Government of A.P., Labour Employment Training & Factories (Lab-i) Dept., Secretariate Bldgs., Hyd rep. by its Principle Secretary.

2. Two C.Cs. to the Government Pleader for Labour, High Court Building, Hyderabad (OUT).

3. Two C.D. copies